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stateism always forbade it. Athens and Thebes achieved imperialism, Sparta had imperialism thrust upon her, but no Greek city-state was born imperialistic. Hellenic attacks of imperialism were like the Aegean islands, cyclic and sporadic. But if there was no successful Hellenic imperialism, that fact is nearly forgotten in the real Macedonian and Hellenistic imperialisms, which even if nearly deadened by Hellenic political theory were more than correspondingly quickened by the brilliant although ragged patterns already set for them. The Greeks of the peninsula were never able to reconcile the imperialistic achievements of Alexander and the Diadochi which they felt they had inspired, with their own federalistic attempts which were clearly 'progressive constitutional successes and yet political failures.

But to attempt to point out the inherent contradictions in Greek imperialism, to look askance at such words as "Perioecis," to suggest that the space given to the Seleucids and Antigonids seems more than they deserve to have, is almost finicky. Professor Ferguson has given us a good book, scholarly in treatment and sane in judgment. His development of imperial deification is clever and convincing. He has many a quick brilliant phrase, as when he likens the tribunate of Rome and the ephorate of Sparta to tyrannies in commission. His judicial appreciation of facts is always in evidence, and perhaps nowhere is it more timely than when he halts the tendency of present-day historians to maximize the irresponsibility of the Athenian assembly, by insisting upon the mechanism of the government, calling the ecclesia the dynamo, and the heliaea the brake on the democratic machine.

RALPH VAN DEMAN MAGOFFIN.

Les transformations générales du droit privé depuis le code Napoléon. By LEON DUGUIT. (Paris: Felix Alcan, 1912. Pp. 306.)

In this brilliant little volume Professor Duguit traces the development of legal theory rather than of specific legal institutions, although his discussion contains a number of practical illustrations. The volume does for French law somewhat the task accomplished for English law by Dicey's *Law and Public Opinion in England in the Nineteenth Century*, but the French author's philosophical background is more solid, and his discussion is keener than that of Dicey, although at points he presses his theoretical arguments too far. Duguit's volume, however, has little of the wealth of detail which characterizes the English work. The

author's thesis is that law has to do not so much with individual rights as with group or social interests, and he traces the transition in law from individualism toward social interdependence or social solidarity. The legal theories of the French civil code, as outlined by Professor Duguit, are essentially equivalent to the principles of legal individualism which the courts have embodied into our constitutional law through their application of "due process of law" and "equal protection of the laws." No one can read this work and Professor Dicey's volume without being impressed with the fact that the movement toward the "socialization of law" is a world movement. The problems which we have been facing in this country are the same as those that are being, or have been, solved in other countries. The peculiar characteristic of development in the United States is the retarding influence of the courts through the judicial power to declare laws unconstitutional. It is unfortunate that American lawyers cannot obtain a view of legal development such as is embodied (although oftentimes with too much theorizing) in Duguit's volume, but few of our lawyers read French, and if the volume were translated into English it is feared that its readers would still be few.

Justice and the Modern Law. By EVERETT V. ABBOT. (Boston: Houghton, Mifflin Company, 1913. Pp. xiv, 299.)

This is an interesting and acute discussion of some of our fundamental legal problems. Mr. Abbot in his first chapter states and defends the highly individualistic philosophy of the common law, resting his argument upon a natural rights basis. He insists with much truth that in enforcing the "due process of law" limitation courts are enforcing moral, not legal principles, but he thinks that the courts are the proper custodians of our morals and asserts that "the error is not in the direction of declaring too many laws unconstitutional, but in the direction of not declaring enough laws to be unconstitutional." The author's view of "due process" as a moral standard coincides with his argument that *stare decisis* should not apply in constitutional cases. While those upholding the judicial attitude during recent years urge that the courts are gradually developing definite standards by which to test constitutionality, Mr. Abbot emphasizes the notion of the court as a moral censor, which in his opinion should apply the indefinite constitutional limitations without any necessary reference to previous decisions. Yet Mr. Abbot's own showing of judicial inefficiency and unwisdom raises a doubt as to whether the courts should be permitted to act as an "all-wise providence."